

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION**

**CHRISTOPHER EVERETT
ADC #152664**

PLAINTIFF

v. No. 3:20-cv-228-DPM-JJV

**IAN WARD, Sergeant, North
Central Unit; NURZUHAL
FAUST, Warden, ADC; and
DEXTER PAYNE, Director, ADC**

DEFENDANTS

ORDER

On *de novo* review, the Court adopts Magistrate Judge Volpe's partial recommendation, *Doc. 21*, and overrules Payne's objections, *Doc. 22*. FED. R. CIV. P. 72(b)(3). The Court agrees that invoking Payne's title was sufficient.

In his objections, Payne argues that Everett didn't give enough specifics about dates, incidents, and issue as to Payne. If the prison believed that it didn't have enough information to investigate Everett's grievance, though, then it could have rejected the grievance on that basis or explicitly noted that it was only reaching the allegations against Ward. Instead, it denied Everett's grievance on the merits without carving out any issues that it wasn't reaching. The prison can't now avail itself of a procedural flaw that it previously disregarded. *Hammett v. Cofield*, 681 F.3d 945, 947-48 (8th Cir. 2012). Payne's

motion for partial summary judgment and supplement, *Doc. 16 & 20*, are denied.

So Ordered.

D.P. Marshall Jr.

D.P. Marshall Jr.
United States District Judge

18 December 2020